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10/025,515	12/18/2001	William E. Webler	ACS-60271 (2168P)	6307
24201	7590	11/15/2007		
FULWIDER PATTON LLP HOWARD HUGHES CENTER 6060 CENTER DRIVE, TENTH FLOOR LOS ANGELES, CA 90045			EXAMINER LEUBECKER, JOHN P	
			ART UNIT 3739	PAPER NUMBER
			MAIL DATE 11/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10025515	12/18/01	WEBLER ET AL.	ACS-60271 (2168P)

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EXAMINER

John P.. Leubecker

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3739	20071109

DATE MAILED:

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Commissioner for Patents

The Reply Brief file August 20, 2007 has been received and reviewed by the Examiner. A response by the Examiner is attached.

/John P. Leubecker/
Primary Examiner
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RESPONSE TO REPLY BRIEF FILED AUGUST 20, 2007

After thorough review of Appellant's arguments submitted in the Reply Brief, the Examiner continues to maintain that each and every limitation *in the claims* is indeed anticipated by both the Forkner et al. and Hamlin et al. references. Because the Examiner continues to rely solely on the explanation given in the Examiner's Answer (August 10, 2007), only brief comments will be made in response.

Regarding the arguments set forth on pages 5 and 6 of Appellant's Reply Brief concerning Forkner et al., there is *nothing* in the claim language that prevents elements (19) and (23) in combination from anticipating an "elongated sheath". Appellant states that elements (19) and (23) are not "identified" as an elongated sheath and both are described as "separate elements". Respectfully, the Examiner does not see how this is relevant to the claim language. What Forkner et al. names certain elements of the invention does not obviate what they actually are. Reasonably, the combination of nut (19) and cannula (23) form an elongated (because of its length) tube (which can equivocally be called a shaft). It must be pointed out that the "elongated shaft" described in the claim (i.e., claims 1 and 17) does not distinguish over an elongated shaft made of multiple parts, having multiple diameters, or made from different materials. Remember, the Examiner is applying prior art to only what is claimed.

Appellant's argument stating that "the Forkner et al. connector (21) does not function as a conventional ferrule in that it is not described as providing reinforcement or to prevent splitting" (page 5, lines 11-13) is not understood as to how this effects the structure of connector (21) meeting the limitations of the claimed "ferrule". In addition, what Appellant calls a "mid-

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section” which meets the limitation of having an outer diameter that is substantially the same as the outer diameter of the elongated shaft proximal portion can indeed be considered as “a proximal portion” since such portion is proximal to a more distal part (note threaded portion that is distally located to the “mid-section”). Again, this seems to be an issue of mere semantics and not an issue of how the claim structure distinguishes over the prior art.

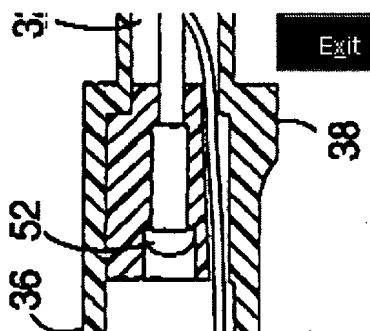
In addition, it is noted that Forkner’s description of tube (17) and fibers (41) as “separate parts” which are connected together does not in any way pull it out of the definition of optical fibers defined by Appellant in paragraphs [0094] and [0096] of the present application. According to Appellant’s definition, the optical fibers can be joined or wrapped with something other than optical fibers and thus would be considered “separate” from such fibers. Even if *arguendo* the tube (17) could not be construed as part of the “optical fiber”, the Examiner also pointed out in the grounds of rejection that the optical fiber (41) is also directly connected to the ferrule (21) at location 49, as shown in Figure 1.

Lastly, claim 17 is argued to distinguish over Forkner et al. solely due to the fact that Appellant does not consider element (21) a ferrule and element (19) as part of an elongated shaft (page 6, last paragraph). However, as pointed out in the Examiner’s grounds of rejection, whatever Appellant wants to call these elements does not obviate the fact that their structure and functions are still met by the elements in Forkner et al.

Regarding the Hamlin et al. reference, Appellant argues that element (10) (which the Examiner equates to the claimed ferrule) does not constitute a ferrule. It is not clear why Appellant makes this claim but the Examiner does not agree.

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Appellant additionally, and confusingly, states that the support member (10) is not directly connected to the fiber optic bundle (26) in Hamlin et al. No explanation is provided. As previously pointed out and clearly shown in Figure 3 (the portion of which clearly shows both bundles (14) and (26) directly connected to member (10) being provided below) of Hamlin et al., both fiber optic bundles (14) and (26) have to be directly connected to support member (ferrule) (10). No structure is disclosed or shown that sets the optical fiber bundles apart from member (10).



Regarding the diameters of the ferrule and shaft, these were clearly pointed out and explained on page 6 of the Examiner's Answer. Regarding Appellant's comment on the term "diameter" (page 8, last paragraph), it must be pointed out that it is also understood that a diameter is "a width or thickness of a circular, or somewhat circular, figure or object" (according to Webster's New World Dictionary, Second College Edition). This is a common and reasonable interpretation of "diameter" which would be recognized and understood by one of ordinary skill in the art. Furthermore, a "constant diameter" can be considered along a longitudinal direction, as is in the case of Hamlin et al. and Appellant's invention, and is not exclusively required to be interpreted as implying a perfect circle (constant diameter in a radial direction), which is also

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probably the case in Appellant's invention. However, this is not specifically claimed and thus does not have to be met by Hamlin et al.

As previously pointed out, member (10) (i.e., the ferrule) is removable from the shaft (18) and thus has a secured and released position. Appellant fails to explain why the structure of Hamlin et al. "cannot possibly" do this (note page 9, first paragraph of the Reply Brief). In addition, Appellant fails to explain why Hamlin's device can not "rotate when engaged to said mechanical connector while said mechanical connector rotates". It was explained by the Examiner how Hamlin's device could do this on page 11 of the Examiner's Answer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Leubecker whose telephone number is (571) 272-4769. The examiner can normally be reached on Monday through Friday, 6:00 AM to 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/John P. Leubecker/
Primary Examiner
Art Unit 3739

jpl